

	Policy on the Appointment and Reappointment of President #10.4	
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SPONSOR: Vice-President, Finance & Administration		
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1. PURPOSE

The purpose of this policy is to outline the manner by which the search, appointment and reappointment of the President is undertaken at OCAD University (“OCAD U” or “the University”), to ensure appropriate rigour, consistency and transparency of process in keeping with the mission, strategic direction, and values of the University.

2. SCOPE

This policy applies to the appointment, reappointment, acting and interim appointment of the President.

In accordance with the *Ontario College of Art and Design University Act, 2002* (“OCAD U Act”), the authority for the appointment or reappointment of the President resides with the Board of Governors. Such recommendations shall be made on the advice of search committees, and shall be carried out in accordance with this policy.

3. POLICY

3.1 Basic principles

3.1.1 Equity, Diversity & Inclusion

3.1.1.1 OCAD U is committed to supporting equity, diversity, inclusion and the dignity of all people and promotes a working and learning environment that is accessible to all persons who work, study or visit the university. The search, appointment, and

reappointment procedures within this policy shall reflect OCAD U's values and commitments and shall comply with the University's *Respectful Working & Learning Environment Policy*, *Accommodation in Employment for Persons with Disabilities Policy* and *AODA Customer Service Policy*. It is the policy of the University to provide barrier-free accessibility for persons with disabilities as defined by the *Accessibility for Ontarians with Disabilities Act, 2005* ("AODA") and that its working and learning environments will be free from discrimination and harassment as defined by the *Ontario Human Rights Code, 1990* ("the Code").

3.1.1.2 Advancing equity in hiring is key to enriching the academic and intellectual environment as OCAD U fosters a rich engagement with multiple perspectives and practices and ensures that students are informed by a wide spectrum of knowledge and experience.

3.1.2 Legislation

3.1.2.1 OCAD U is committed to providing equal employment opportunities to all individuals regardless of age, ancestry, colour, race, citizenship, ethnic origin, place of origin, creed, disability, family status, marital status, gender identity, gender expression, sexual orientation, sex, or record of offences as stipulated in the Code.

3.1.2.2 OCAD U is committed to achieving accessibility as stipulated in the AODA and its related standards on goods, services, facilities, employment, accommodation and buildings.

3.1.2.3 Documentation received by the Committee during the process is confidential. Handling of personal information is governed by Ontario's *Freedom of Information and Protection of Privacy Act, 1990* ("FIPPA").

3.1.3 Confidentiality

3.1.3.1 All members of the search committee shall be required to sign a confidentiality agreement consistent with section 3.1.3 of this policy as a condition of their membership. Confidentiality extends beyond the duration of the search process and shall be viewed as an ongoing requirement.

3.1.3.2 All meetings and deliberations throughout the search process are strictly confidential and any breach of confidentiality shall be grounds for dismissal from the search committee.

3.1.3.3 Only the chair or a person designated by the chair may issue statements concerning the activities of the committee where appropriate.

3.1.3.4 Following the conclusion of the search process, all records pertaining to the search shall be returned to Human Resources for retention.

3.1.4 Conflict of Interest and Bias

3.1.4.1 Members of the search committee cannot submit their candidacy to the position being appointed once they agree to sit on the search committee.

3.1.4.1.1 In the event of a failed search and a new search committee is struck, members of the previous committee would be eligible to submit their candidacy to the position being appointed.

3.1.4.2 Members must disclose any conflict of interest and/or bias to the chair as soon as it arises.

3.1.4.3 A conflict of interest and/or bias exists when a current or former relationship with a candidate or some other matter could improperly influence his/her judgement, and/or could reasonably create a perception of bias.

3.1.4.4 Throughout the search or review process, all activities must be conducted in a manner that avoids real or perceived conflict of interest.

3.1.5 Strategic and Academic Priorities & Community Input

3.1.5.1 The University recognizes the importance of alignment of strategic and academic priorities with the appointment or reappointment of positions covered under this policy,

and the importance of input from faculty, staff, students and other members of the University community in this regard.

3.1.6 Academic Tenure

3.1.6.1 A person appointed as President may be accorded a tenured faculty appointment. The search committee shall recommend the appointment and faculty rank.

4. PROCEDURES

4.1 Search Process

4.1.1 The search process begins when there is a vacancy or when it is determined that the incumbent will not stand for another term. In the event that the incumbent is able and wishes to stand for another term, the steps in section 7 *Review and Reappointment Process* outlined below shall follow.

4.1.2 The search committee is formed no more than 18 months and no less than 12 months prior to the end of the incumbent's term, or in the event that the incumbent leaves prior to the end of his/her term, the committee shall be formed as soon as possible.

4.1.3 Persons selected to serve on a search committee may only carry out such functions after successfully completing hiring training as required, to include the University's Respectful Work & Learning Environment Policy, AODA Customer Service Policy, and obligations under the Code.

4.1.4 The chair of the committee shall have explicit responsibility for the committee's adherence to the Ontario *Human Rights Code* and to university employment equity practices.

4.1.5 The Board of Governors shall decide whether a search consultant shall be retained for the search.

4.1.5.1 The selection of a search consultant shall follow procedures in accordance with the *Broader Public Sector Accountability Act, 2010*.

4.1.5.2 Search consultants must have expertise in equitable hiring practices and advancing employment equity, and shall familiarize themselves with OCAD U's strategic equity priorities.

4.1.6 If a search consultant is deemed warranted, services provided may include but are not limited to the following:

- i) supporting the pre-search stage of the process;
- ii) drafting, formatting and placement of the advertisement;
- iii) developing or updating the responsibilities, expectations and selection criteria of the position;
- iv) preparing materials for the committee;
- v) assisting in the drafting of interview questions;
- vi) assisting in conducting the interviews;
- vii) providing advice on negotiating the terms and conditions of employment for the recommended candidate;
- viii) conducting post-search follow-up with the successful candidate; and
- ix) conducting thorough and unbiased reference checks.

4.1.7 Advertising shall be undertaken internationally, within the limits of an approved budget, and demonstrate OCAD U's commitment to equity, diversity and inclusiveness.

4.1.8 Applicants shall be informed by Human Resources of OCAD U's *Accommodation in Employment for Persons with Disabilities* policy and the process for requesting accommodations throughout the hiring process.

4.1.9 The committee shall elicit the views of the university community, including its faculty, staff, students and other members, on OCAD U's strategic needs and the selection criteria to be used for the search process.

4.1.10 The selection criteria should be based on *bona fide* occupational requirements necessary to carry out the position, and not create unnecessary barriers to applicants.

- 4.1.11 The university community shall then be invited to submit nominations. Consultation externally may also take place to generate candidates.
 - 4.1.12 The committee shall review the submissions and draw up a shortlist of candidates to be interviewed. Should a review of the applicant pool reveal a significant underrepresentation of one or more designated groups, the committee may undertake further efforts to recruit candidates from the designated group(s) prior to shortlisting candidates.
 - 4.1.13 The documents and deliberations of the committee shall remain confidential, but the committee shall ensure consistent and meaningful communications to the university community about the process as it unfolds through its chair.
 - 4.1.14 Interviews and reference checks shall be conducted in a thorough and unbiased manner that is consistent with the Ontario *Human Rights Code*.
 - 4.1.15 The committee shall strive for unanimity. A final candidate, agreed upon through a majority vote, shall then be put forward by the chair of the committee to the Executive Committee of the Board of Governors.
 - 4.1.16 The Executive Committee of the Board of Governors shall review and make a recommendation to the Board of Governors for final approval of the appointment by majority vote.
 - 4.1.17 In the event that the Executive Committee or Board of Governors does not agree with the recommendation made by the search committee, it shall return the matter, with an associated rationale, to the committee for further deliberation.
 - 4.1.18 In the event that the committee makes a subsequent recommendation following further deliberation, such recommendation shall be made in accordance with sections 4.1.15 and 4.1.16.
 - 4.1.19 In the event that the committee cannot make a recommendation, the search shall be deemed a failed search and a new one may be initiated. The Board of Governors shall determine whether a new committee will be formed or whether the same committee will be used.
- 4.2 Search/Review Committee Composition
- 4.2.1 The search/review committee shall be representative of the various constituencies over which the position has control or oversight.
 - 4.2.2 Every effort should be made to ensure representation of equity-seeking groups on the committee, including Indigenous and racialized peoples, persons with disabilities, and women, as well as other under-represented communities including LGBTTTQQI2SA¹ communities.
 - 4.2.3 The membership for the search/review committee shall be composed as follows:
 - i) The Chair of the Board of Governors, or designate, who shall be chair (non-voting, except in the case of a tie);
 - ii) One (1) Vice-President, Vice-Provost or Dean;
 - iii) Four (4) tenured faculty who are elected members of the Board of Governors or Senate;
 - iv) One (1) permanent manager or administrative staff member who is an elected member of the Board of Governors;
 - v) One (1) graduate student and one (1) undergraduate student who are elected members of the Board of Governors or Senate;
 - vi) Three (3) external members of the Board of Governors;
 - vii) One (1) Human Resources representative (non-voting).
 - 4.2.4 In the event that a committee member cannot complete the search process, a replacement may be found only up until the point when interviewing has commenced, in order to ensure fairness and consistency within the process.
- 4.3 Negotiation of Compensation and Terms of Contract
- 4.3.1 The Chair and Vice-Chair(s) of the Board are responsible for negotiating the compensation and terms of contract in consultation with the Chair of the Audit, Finance & Risk Committee, and Director, Human Resources. Such compensation and terms shall be established in

¹ Lesbian, Gay, Bisexual, Transsexual, Transgender, Queer, Questioning, Intersex, 2-Spirited and Allies or Asexual

accordance with the *Broader Public Sector Executive Compensation Act, 2014* (“the *BPSECA*”) and the *Broader Public Sector Accountability Act, 2010* (“the *BPSAA*”).

4.4 Length of Term of Office

4.4.1 The maximum length of an appointment shall normally not exceed 5 years.

4.4.2 Appointments shall normally be for a maximum period of two (2) terms. Reappointment beyond a second consecutive term should be considered unusual, and would occur only if there are compelling reasons, subject to Board approval.

5. ACTING APPOINTMENTS

5.1.1 In some circumstances, such as when the incumbent is on vacation or on a temporary leave of up to two (2) months, it is appropriate to appoint a person to serve as an acting President.

5.1.2 Where it is decided to appoint an acting President, the procedures set out under sections *4.1 Search Process, 4.2 Search/Review Committee Composition, 4.4 Length of Term of Office, 6 Interim Appointments and 7 Review and Reappointment Process* will not be used. Rather the following shall apply:

5.1.2.1 Where it is decided to appoint an acting President, the appointment shall be made by the current President.

5.1.2.2 An acting President appointment shall normally be made for up to two (2) months.

6. INTERIM APPOINTMENTS

6.1.1 In some circumstances, such as the resignation or extended illness of the incumbent or a failed search, it is appropriate to appoint a person to serve as an interim President. Where it is decided to appoint an interim President, the procedures set out under sections *4.1 Search Process, 4.2 Search/Review Committee Composition, 4.4 Length of Term of Office, 5 Acting Appointments and 7 Review and Reappointment Process* will not be used. Rather the following shall apply:

6.1.1.1 In the event of an interim appointment, if at all possible a search committee will be struck.

6.1.1.2 Where it is decided to appoint an interim President, the appointment shall be made by the Board of Governors on the recommendation of the Chair of the Board of Governors (Board Chair).

6.1.1.3 An interim President appointment shall normally be made for up to one (1) year. To serve longer would be considered unusual and on an exceptional basis in the event of a failed search only, with the total interim appointment not to exceed two (2) years.

7. REVIEW AND REAPPOINTMENT PROCESS

7.1.1 No more than 18 months prior to the conclusion of the incumbent President’s term, the Board Chair ascertains whether the incumbent is willing to stand for reappointment. If so, the review and reappointment process is initiated, and if not, the search process as outlined in Section 4 above is initiated.

7.1.2 The review committee is formed, comprised of members as outlined in section *4.2 Search/Review Committee Composition*.

7.1.3 The incumbent president shall prepare a term report in relation to the university’s goals and objectives as outlined in the University’s strategic plan and captured on the institutional scorecards established for that period, as well as commenting on the term’s achievements within the context of the position profile for the President.

7.1.4 The Board Chair shall accept the report from the President and circulate it in confidence to the members of the review committee.

7.1.5 In addition to the term report, the review committee shall solicit feedback from constituency groups within the university community, including faculty, staff and students, on the performance of the incumbent and their suitability for reappointment.

- 7.1.6 The review committee reviews the information collected from the constituency groups, and without identifying sources, invites the incumbent to respond to the feedback.
- 7.1.7 The review committee forms its recommendation and, on behalf of the committee, the Board Chair will inform the Board of Governors at an *in camera* meeting without the President of the recommendation in writing. Following receipt of the report, the Board of Governors shall consider the reappointment of the incumbent, or launch a recruitment process.
- 7.1.8 In the event the Board of Governors approves the reappointment of the incumbent, the terms of a renewal appointment shall be established in accordance with sections 4.3 *Negotiation of Compensation and Terms of Contract* and 4.4 *Length of Term of Office*.
- 7.1.9 In the event that the Board of Governors does not agree with the recommendation made by the review committee, it shall return the matter, with an associated rationale, to the committee for further deliberation.
- 7.1.10 The total length of the review process shall not normally exceed ten (10) weeks.